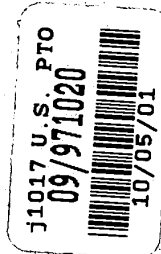


Patent  
Attorney's Docket No. 026350-068



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT  
APPLICATION TRANSMITTAL LETTER

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed for filing is the utility patent application of Hiroshi SANO of 2-7-15, Shikanodai-nishi, Ikoma City, Nara Pref., Japan; Tomonobu KUSANO of 2-7-12-203, Tomiomoto-machi, Nara City, Nara Pref., Japan; and Nozomu KOIZUMI of C505, 8916-5, Takayama-Cho, Ikoma City, Nara Pref., Japan for THEOBROMINE SYNTHASE POLYPEPTIDE OF COFFEE PLANT AND THE GENE ENCODING SAID POLYPEPTIDE.

- ☐ Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

- ☒ Applicant(s) suggest(s) Figure 1 for inclusion on the front page of the patent application publication and patent.

Also enclosed are:

- ☒ 6 sheet(s) of ☒ formal ☐ informal drawing(s);
- ☒ a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 is ☒ hereby made to Application No. 2000-307,149 filed in Japan on October 6, 2000, a certified copy of the priority document will follow in due course;
- ☐ in the declaration;
- ☐ a certified copy of the priority document;
- ☐ a General Authorization for Petitions for Extensions of Time and Payment of Fees;
- ☐ an Assignment document;
- ☐ an Information Disclosure Statement;
- ☐ a patent application bibliographic data sheet; and
- ☐ Other: \_\_\_\_\_
- ☒ An ☒ executed ☐ unexecuted declaration of the inventor(s)
- ☐ also is enclosed ☒ will follow.
- ☐ Please amend the specification by inserting before the first line the sentence --This application claims priority under 35 U.S.C. §§ 119 and/or 365 to    filed in    on   ; the entire content of which is hereby incorporated by reference.--



21839

(10/01)

☐ Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of International Application No. \_ filed on \_, which International Application ☐ was ☐ was not published by the International Bureau in English on \_--.

☒ Small entity status is hereby claimed.

☒ The filing fee has been calculated as follows ☒ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	34	MINUS 20 =	14	× \$18.00 (103) =	252.00
Independent Claims	4	MINUS 3 =	1	× \$84.00 (102) =	84.00
If multiple dependent claims are presented, add \$280.00 (104)					280.00
Total Application Fee					\$1,356.00
If small entity status is claimed, subtract 50% of Total Application Fee					\$678.00
Add Assignment Recording Fee \$40.00 (581) if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					\$678.00

☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

☒ A check in the amount of \$ 678.00 is enclosed for the fee due.

☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.

☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning the present application to:

Robert G. Mukai  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, Virginia 22313-1404.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 5, 2001

By: Robert G. Mukai  
Robert G. Mukai  
Registration No. 28,531

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620